

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, ARKANSAS

LARRY WALTHER, DIRECTOR
ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

PLAINTIFF

vs.

Case No. 2016009239

170T-18-2

PAUL E. BURNS
2902 DORA RD
VAN BUREN, AR 72956-6823

DEFENDANT

vs.

VAN BUREN SCHOOL DISTRICT FFA
2221 E POINTER TRL
VAN BUREN AR 72956-2336

GARNISHEE

WRIT OF GARNISHMENT
NOTICE, ALLEGATIONS AND INTERROGATORIES

NOTICE TO ABOVE NAMED GARNISHEE:

A Judgment has been obtained in the Circuit Court of CRAWFORD County, Arkansas against the Judgment Debtor listed in this Writ and remains unsatisfied. The plaintiff believes that you are indebted to the Judgment Debtor or have in your possession, goods, monies, credits, or effects belonging to the Judgment Debtor.

You are directed to prepare a written answer, under oath, and to file this answer in the Circuit Clerk's office within thirty (30) days from the date in which you are served with this Writ and to send a copy of your answer to the plaintiff's attorney. The written answer should contain a statement of what goods, chattels, moneys, credits, or effects you may have in your possession belonging to the Judgment Debtor. In addition, you are required to answer any further interrogatories that may be asked of you.

CLERK ADDRESS: CRAWFORD County Circuit Court
317 Main St
Van Buren, AR 72956

DO NOT PAY ANY MONEY TO THE COURT CLERK: You should hold the money until a court order directs you to release the money. You will then pay it to the plaintiff.

NOTICE TO EMPLOYER & NON EMPLOYER GARNISHEE:

FAILURE TO ANSWER THIS WRIT WITHIN 30 DAYS OR FAILURE OR REFUSAL TO ANSWER THE INTERROGATORIES ATTACHED HERETO SHALL RESULT IN THE COURT ENTERING A JUDGMENT AGAINST YOU AND YOU BECOMING PERSONALLY LIABLE FOR THE FULL AMOUNT SPECIFIED IN THIS WRIT TOGETHER WITH COSTS OF THIS ACTION AS PROVIDED BY ARKANSAS CODE ANNOTATED §16-110-407; OR, FOR THE AMOUNT OF THE NON-EXEMPT WAGES OWED THE DEBTOR/EMPLOYEE ON THE DATE YOU WERE SERVED THIS WRIT AS PROVIDED BY ARKANSAS CODE ANNOTATED § 16-110-407.

EMPLOYER GARNISHEES ARE FURTHER NOTIFIED THAT THE AMOUNT OF WAGES AVAILABLE FOR WITHHOLDING FOR THIS JUDGMENT AND COSTS IS SUBJECT TO CERTAIN PRIOR CLAIMS. UNDER ARKANSAS LAW, INCOME WITHHOLDING FOR CHILD SUPPORT HAS PRIORITY OVER ALL OTHER LEGAL PROCESSES. UNDER FEDERAL LAW, THE TOTAL AMOUNT TO BE WITHHELD CANNOT EXCEED THE MAXIMUM AMOUNT ALLOWED UNDER § 303(b) (15 U.S.C. § 1673). THE LIEN PROVIDED BY THIS WRIT OF GARNISHMENT SHALL CONTINUE AS TO SUBSEQUENT EARNINGS UNTIL THE TOTAL AMOUNT DUE UPON JUDGMENT AND COSTS IS PAID OR SATISFIED.

ALLEGATIONS

1. Pursuant to Ark. Code Ann. §26-18-701, Plaintiff filed a Certificate of Indebtedness against Defendant, on 26-Sep-2016, in the amount of \$1,535.71 for unpaid individual income taxes, costs, and interest. The Certificate of Indebtedness is recorded in the judgment records of the Circuit Clerk and Recorder of CRAWFORD County, Arkansas as 2016009239. This judgment remains unsatisfied.
2. The indebtedness referred to in paragraph 1 is for a state tax levied by the General Assembly of the State of Arkansas.
3. Defendant remains justly indebted to Plaintiff in the sum of \$1,762.15, plus costs and post-judgment interest at the rate of 10% per annum.
4. Plaintiff believes that Garnishee is indebted to the Defendant or has in its possession goods, chattels, monies, credits, or effects belonging to Defendant.

WHEREFORE, Garnishee is hereby commanded to file an Answer with the Circuit Clerk of this Court, providing a copy to Plaintiff's attorney, within thirty (30) days after the service of this Writ, stating what goods, chattels, monies, credits, and effects it may have in its possession belonging to the Defendant, and further answering fully and under oath the following Interrogatories.

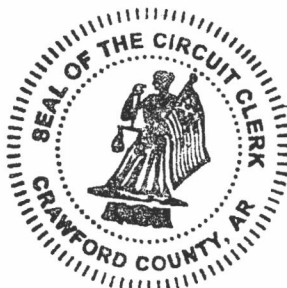
INTERROGATORIES TO GARNISHEE

INTERROGATORY NO. 1: On or after the date of service of this Writ of Garnishment, will you become indebted to the Defendant in any manner, including wages? If so, on what date and in what amount?

INTERROGATORY NO. 2: On or after the service of this Writ of Garnishment, will you have in your possession any goods, chattels, monies, credits, or effects belonging or owed to the Defendant, including wages, and if so, what is the nature and value thereof?

INTERROGATORY NO. 3: On or after the date of service of this Writ of Garnishment, will you transfer or have you transferred any goods, chattels, monies, credits, or effects belonging or owed to the Defendant, including wages, in response to any levy or any other garnishment? If so, to whom, in what amount, and when will that levy or garnishment expire?

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Court of CRAWFORD County, Arkansas, on this 12th day of march, 2018.



Sharon Blount-Baker
CIRCUIT CLERK


SHARON BLOUNT-BAKER, CRAWFORD CO. CIRCUIT CLERK

EXPLANATION AND VERIFIED STATEMENT OF ACCOUNT

Original Judgment:	\$1,535.71
Post-judgment interest calculated through 02-Mar-2018, at the rate of 10% per annum (.08333) per month:	\$0.00
Total through 02-Mar-2018	\$1,535.71
Payments and Credits:	\$0.00
Other Adjustments:	\$226.44
Balance Due:	\$1,762.15

[Note: Post-Judgment interest will continue to accrue at the rate of 10% per annum.]

LARRY WALTHER, DIRECTOR
ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

By: 
Tim E. Howell, Attorney at Law
Arkansas Bar #89059
Collection Section
P.O. Box 8090
Little Rock, AR 72203
Phone: (501) 682-4725
Fax: (501) 683-2083

CERTIFICATE

I certify that, in accordance with Ark. Code Ann. §16-110-402, a copy of this Writ of Garnishment, which contains a Notice to Defendant, will be mailed by first class mail to the judgment debtor at the last known residential address the same day as this Writ containing a Notice to Defendant is served on the garnishee; that if the letter is returned "undeliverable" by the post office, or the last known residential address of the judgment debtor is not discoverable after diligent search, a copy of this Writ containing a Notice to Defendant will be sent by first class mail to the judgment debtor at his place of employment, if known.

Defendant's Name: PAUL E. BURNS
Defendant's Address: 2902 DORA RD
VAN BUREN, AR 72956-6823

Plaintiff or Attorney: Tim E. Howell

Date of Mailing: _____

NOTICE TO DEFENDANT OF YOUR RIGHT TO KEEP WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED

The Writ of Garnishment or Writ of Execution delivered to you with this Notice means that wages, money, or other property belonging to you has been garnished in order to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP YOUR MONEY OR PROPERTY FROM BEING TAKEN, SO READ THIS NOTICE CAREFULLY,

State and Federal laws say that certain money and property may not be taken to pay certain types of court judgments. Such money or property is said to be "exempt" from garnishment.

For example, under the Arkansas Constitution and State Law, you will be able to claim as exempt all or part of your wages or other personal property.

As another example, under federal law the following are also exempt from garnishment: Social Security, SSI, Veteran's benefits, Temporary Assistance for Needy Families, unemployment compensation, and worker's compensation.

You have a right to ask for a court hearing to claim these or other exemptions. If you need legal assistance to help you try to save your wages or property from being garnished, you should see a lawyer. If you can't afford a private lawyer, contact your local bar association or ask the clerk's office about any legal services program in your area.

A judgment debtor may claim exemptions according to law after service of the writ of garnishment on the garnishee by filing an exemption claim with the clerk. Within five (5) days after an exemption claim is filed with the clerk, the judgment debtor or the judgment debtor's attorney shall notify the judgment creditor or the judgment creditor's attorney by fax transmission and concurrent mailing of the judgment debtor's exemption claim.

A hearing shall not be required and a writ of supersedeas shall issue unless the judgment creditor files, within ten (10) days from the date the judgment debtor or judgment debtor's attorney files an exemption claim, a statement in writing that the judgment creditor is contesting the judgment debtor's exemption claim.

There are Federal restrictions on the amount that the garnishee may withhold from an employee's pay. Please contact the United States Department of Labor, Wage and Hour Division, at (501) 221-4600 and request WAGE-HOUR PUBLICATION FACT SHEET # 30 for additional information.

CERTIFICATE OF SERVICE

The undersigned attorney certifies that the above Writ of Garnishment, Notice to Employer, Allegations and Interrogatories and required Notice to Defendant Of Right To Keep Wages, have been duly served on the Garnishee by certified mail and on Defendant by first class mail on _____, by United States Postal Service, and that the Statement of Account is a true and correct accounting of the amount due from Defendant.

By: _____
Tim E. Howell, Attorney at Law
Arkansas Bar #89059



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
COLLECTION SECTION
PO BOX 8090, LITTLE ROCK, AR 72203-8090

March 2, 2018

Letter ID: L1063365712

CRAWFORD COUNTY
OFFICE OF THE CIRCUIT CLERK
317 MAIN ST
VAN BUREN, AR 72956

RE: WRIT OF GARNISHMENT
PAUL E. BURNS
CASE NO: 2016009239

Dear Clerk:

On or about the 29 day of September, 2016, the Director of the Department of Finance and Administration filed a Certificate of Indebtedness against PAUL E. BURNS with your office. To date, the Certificate of Indebtedness has not been satisfied.

Enclosed is an original and one copy of a Writ of Garnishment. In accordance with Ark. Code Ann. § 16-110-402, the Writ includes a "NOTICE TO DEFENDANT OF YOUR RIGHT TO KEEP WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED". In accordance with Arkansas law, I request that the original and one copy be signed by your office on page three, that the Writ and one copy be filed, and that the extra file-marked copy be returned to me in the enclosed self-addressed, postage prepaid envelope.

Should you have any questions, please do not hesitate to contact me. Thank you for your prompt attention to this matter.

Sincerely,

Tim E. Howell, Attorney at Law
Arkansas Bar #89059
Collection Section
P.O. Box 8090
Little Rock, AR 72203
Phone: (501) 682-4725

Enclosure: Writ of Garnishment

FILED

MAR 12 2018

D.C. *CK* TIME *2:28 pm*
SHARON L. BLOUNT, CIRCUIT CLERK
CRAWFORD COUNTY, VAN BUREN, AR